IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

SPL. APPL. WRIT No. 789 of 2007

RAJ.RAJYA VIDHYUT UTPADAN NIGAM LTD.&ORS
V/S
PUNAMCHAND & ANR.

Mr. MANOJ BHANDARI, for the appellant / petitioner

Mr. PP CHOUDHARY, for the respondent

Date of Order : 2.11.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

Heard learned counsel for the parties.

Perused the impugned judgment of the learned Single Judge, so also of the Labour Court.

In our view, the Labour Court was not entitled to direct the continuity of service of the workman, consequent upon setting aside retrenchment order, in view of the judgment of Hon'ble the Supreme Court in State of Karnataka Vs. Uma Devi reported in JT 2006(4) SC-420. Therefore, this part of the award cannot be sustained, and is set aside.

So far other part of the award is concerned, in our view the question about the workman having worked for a particular period of time is a pure question of fact, and

does not require any interference in our appellate jurisdiction.

The appeal is thus disposed of in the manner that the direction of continuity of service is deleted. Rest of the award is maintained.

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

/sushil/